

Exhibit 1

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

LINDSEY BURNETT, an individual,

Plaintiff,

vs.

Civil Action No.:

MICHAEL MCNAIR, an individual,
LA LOGISTICS, INC., a foreign

corporation and FICTITIOUS PARTIES A-D. There may be other individuals or entities whose true names and identities are unknown to the plaintiff at this time, who may be legally responsible for the claims set forth herein and who may be added by amendment by the plaintiff when their true names and identities are accurately ascertained by further discovery. Until that time, the plaintiff will designate these parties in accordance with ARCP 9(h). The word "entity" as used herein is intended to refer to and include any and all legal entities including individual persons, any and all forms of partnership, any and all types of corporations and unincorporated associations. The symbol by which these parties are designated is intended to include more than one entity in the event that discovery reveals that the descriptive characterization of the symbol applies to more than one entity. In the present action the party defendants which the plaintiff must include by descriptive characterization are as follows:

Defendants A-D, that entity who caused or contributed to plaintiff's injuries in any way.

COMPLAINT

COMES NOW the plaintiff, complaining of the defendants, and files this complaint, by and through her counsel. The plaintiff avers as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction of the claims herein pursuant to Alabama Code § 12-11-30, as the amount in controversy, exclusive of interest and costs, exceeds twenty thousand dollars (\$20,000.00).

2. Venue herein is proper under Alabama Code § 6-3-2(a)(3), as the act or omission complained of occurred in the Birmingham Division of Jefferson County, Alabama.

FACTUAL BACKGROUND

3. The plaintiff adopts and incorporates by reference all the allegations contained above as if fully set forth herein.

4. Plaintiff Lindsey Burnett is an adult resident of St. Clair County, Alabama.

5. Defendant Michael McNair (hereinafter “McNair”) is an adult resident of Jackson County, Mississippi.

6. Defendant LA Logistics, Inc. (hereinafter “LA Logistics”) is a foreign corporation conducting business in the Birmingham Division of Jefferson County Alabama.

7. Fictitious Parties A through D are those individuals or entities, otherwise unknown to the plaintiff at this time, or, if their names are known to the plaintiff at this time, their identity as proper party defendants are not known to the plaintiff at this time, but their true names will be substituted by amendment when ascertained, who caused or contributed in any way to the damages or injuries sustained by the plaintiff.

8. On or about the 28th day of April, 2021, at approximately 6:00 p.m., plaintiff was operating a motor vehicle, traveling southbound on Interstate 459 near the intersection of Highway 280. The intersection of these two roadways lies within the Birmingham Division of Jefferson County.

9. At that same time, defendant McNair was operating an 18-wheeler, immediately adjacent to the plaintiff, as an agent, employee or assign of defendant LA Logistics.

10. Plaintiff was traveling in the middle lane of Interstate 459 whereas defendant McNair was traveling in the left lane of Interstate 459.

COUNT I
NEGLIGENCE / WANTONNESS

11. The plaintiff adopts and incorporates by reference all the allegations contained above

as if fully set forth herein.

12. Defendant McNair negligently or wantonly changed lanes, causing the 18-wheeler he was driving to strike the motor vehicle operated by the plaintiff. The plaintiff lost control of her vehicle as a result of the impact and careened into the interstate dividing wall before overturning.

13. Defendant LA Logistics is vicariously liable to the plaintiff under the theory of *respondent superior*, as Defendant McNair was an agent, employee or assignee of defendant LA Logistics, and/or McNair was operating the vehicle in the course and scope of his employment with LA Logistics at the time of the collision.

14. As a proximate consequence of the negligence or wantonness of the defendants, plaintiff suffered injury, including but not limited to the following:

- Plaintiff Lindsey Burnett was caused to suffer closed head injury, post-concussion syndrome, dysautonomia, migraine headaches, neck sprain, soreness, bruises and contusions on various and separate parts of her body, including but not limited to, head, neck, back, hips, left foot and left shoulder.
- Plaintiff Lindsey Burnett was caused to endure numerous doctor visits and extensive treatment to heal and cure her injuries and will require further medical treatment for the foreseeable future.
- Plaintiff Lindsey Burnett was caused to incur medical, doctor and hospital expenses in her efforts to heal and cure her injuries and will incur such expenses for the foreseeable future.

15. Plaintiff is entitled to punitive damages pursuant to Code of Alabama § 6-11-20.

COUNT II
NEGLIGENT HIRING / RETENTION

16. Plaintiff reaffirms and realleges each paragraph above as if fully set forth herein.

17. On or about the 28th day of April, 2021, defendant McNair struck the vehicle being driven by the plaintiff.

18. The above-referenced collision was a proximate result of defendant McNair's negligence or wantonness.

19. Defendant LA Logistics' agent, employee or assign, defendant McNair, was negligent or wanton in the following particulars:

- (a) failing to keep a proper lookout;
- (b) failing to yield the right-of-way;
- (c) failing to ensure it was safe to change lanes before doing so;

20. Defendant LA Logistics was negligent or wanton in hiring defendant McNair as an agent, employee or assign and in permitting him to continue transporting cargo when defendant knew, or by adequate investigation could have known, that defendant McNair was not a reasonable, prudent operator, and that defendant McNair could, when driving, cause harm to others, including the plaintiff.

COUNT III
NEGLIGENT ENTRUSTMENT

21. The plaintiff adopts and incorporates by reference all the allegations contained above as if fully set forth herein.

22. The vehicle operated by defendant McNair was owned by defendant LA Logistics at the time of the accident described herein.

23. Defendant LA Logistics allowed defendant McNair to operate said vehicle within the course and scope of defendant McNair's agency, employment or assignment with defendant LA

Logistics.

24. Defendant LA Logistics was negligent or wanton in entrusting defendant McNair with a commercial vehicle as an agent, employee or assign and in permitting him to continue transporting cargo when defendant knew, or by adequate investigation could have known, that defendant McNair was not a reasonable, prudent operator, and that entrusting defendant McNair with a commercial vehicle created an appreciable risk of harm to others, including the plaintiff.

25. Plaintiff's injuries were the proximate result of the negligent or wanton entrustment by defendant LA Logistics of the vehicle to defendant McNair.

WHEREFORE, plaintiff demands general, special and punitive damages, including, but not limited to, past, present and future medical expenses and lost wages, in a sum to be assessed by a jury of plaintiff's peers, with costs of court and any other, further or additional relief the court shall deem appropriate.

TRIAL BY JURY DEMANDED

/s/ Derek B. Simms

Derek B. Simms (SIM057)
Attorney for plaintiff

OF COUNSEL:

SIMMS & ASSOCIATES
608 37th Street South
Birmingham, Alabama 35222
(205) 453-9700

PLEASE SERVE DEFENDANTS:

Michael McNair
10111 Co. Rd. 622
Philadelphia, Mississippi 39350

LA Logistics, Inc.
Attn: Andrew Ayers, Registered Agent
146 Business Center Parkway
Pearl, MS 39208

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

LINDSEY BURNETT, an individual,

Plaintiff,

vs.

Civil Action No.:

MICHAEL MCNAIR, an individual,

LA LOGISTICS, INC., a foreign

corporation and FICTITIOUS PARTIES A-D,

Defendants.

SUMMONS

To any sheriff or any person authorized by either Rule 4.1(b)(2) or 4.2(b)(2) or 4.4(b)(2) of the Alabama Rules of Civil Procedure to effect service.

You are hereby commanded to serve this summons and a copy of the complaint in this action upon defendant:

Michael McNair

10111 Co. Rd. 622

Philadelphia, Mississippi 39350

NOTICE TO DEFENDANT

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint, to Derek B. Simms, the attorney for the plaintiff, whose address is: 608 37th Street South, Birmingham, Alabama 35222.

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

Clerk of Court

Dated _____

Defendants.

)
)
)
)
)
)
)
)
)
)

Civil Action No.:

Dated _____

ALABAMA SJIS CASE DETAIL

PREPARED FOR: KRIS



County: **01** Case Number: **CV-2022-902621.00**
 Style: **LINDSEY BURNETT V. MICHAEL MCNAIR ET AL**

Court Action:

Case Action Summary

Date:	Time	Code	Comments
9/1/2022	1:56 PM	ECOMP	COMPLAINT E-FILED.
9/1/2022	1:56 PM	FILE	FILED THIS DATE: 09/01/2022 (AV01)
9/1/2022	1:56 PM	EORD	E-ORDER FLAG SET TO "Y" (AV01)
9/1/2022	1:56 PM	ASSJ	ASSIGNED TO JUDGE: MARSHALL JACKSON HATCHER (AV01)
9/1/2022	1:56 PM	TDMJ	JURY TRIAL REQUESTED (AV01)
9/1/2022	1:56 PM	SCAN	CASE SCANNED STATUS SET TO: N (AV01)
9/1/2022	1:56 PM	STAT	CASE ASSIGNED STATUS OF: ACTIVE (AV01)
9/1/2022	1:56 PM	ORIG	ORIGIN: INITIAL FILING (AV01)
9/1/2022	1:56 PM	C001	C001 E-ORDER FLAG SET TO "Y" (AV02)
9/1/2022	1:56 PM	C001	C001 PARTY ADDED: BURNETT LINDSEY (AV02)
9/1/2022	1:56 PM	C001	LISTED AS ATTORNEY FOR C001: SIMMS DEREK BRANDON
9/1/2022	1:57 PM	C001	INDIGENT FLAG SET TO: N (AV02)
9/1/2022	1:57 PM	D001	D001 PARTY ADDED: MCNAIR MICHAEL (AV02)
9/1/2022	1:57 PM	D001	CERTIFIED MAI ISSUED: 09/01/2022 TO D001 (AV02)
9/1/2022	1:57 PM	D001	INDIGENT FLAG SET TO: N (AV02)
9/1/2022	1:57 PM	D001	LISTED AS ATTORNEY FOR D001: PRO SE (AV02)
9/1/2022	1:57 PM	D001	D001 E-ORDER FLAG SET TO "Y" (AV02)
9/1/2022	1:57 PM	D002	D002 PARTY ADDED: LA LOGISTICS, INC. (AV02)
9/1/2022	1:57 PM	D002	CERTIFIED MAI ISSUED: 09/01/2022 TO D002 (AV02)
9/1/2022	1:57 PM	D002	LISTED AS ATTORNEY FOR D002: PRO SE (AV02)
9/1/2022	1:57 PM	D002	D002 E-ORDER FLAG SET TO "Y" (AV02)
9/1/2022	1:57 PM	D002	INDIGENT FLAG SET TO: N (AV02)
9/1/2022	3:30 PM	ESCAN	SCAN - FILED 9/1/2022 - NOTICE
9/15/2022	8:23 AM	D002	RETURN OF OTHER ON 09/14/2022 FOR D002 (AV02)
9/15/2022	8:24 AM	ESERC	SERVICE RETURN



END OF THE REPORT